

DANIEL G. BOGDEN
 United States Attorney
 District of Nevada
 Nevada Bar No. 2137
 DANIEL D. HOLLINGSWORTH
 Assistant United States Attorney
 Nevada Bar No. 1925
 United States Attorney's Office
 333 Las Vegas Boulevard South, Suite 5000
 Las Vegas, Nevada 89101
 Telephone: 702-388-6336
 Facsimile: 702-388-6787
 Email: *daniel.hollingsworth@usdoj.gov*
 Attorneys for the United States

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	2:13-CR-372-GMN-(VCF)
)	
KEITH JOHN ANDERSON,)	
)	
Defendant.)	

**UNITED STATES OF AMERICA'S REDACTED UNOPPOSED MOTION TO SEIZE
 \$807,496.06 IN UNITED STATES CURRENCY FOR RESTITUTION AND \$100 IN UNITED
 STATES CURRENCY FOR THE MANDATORY ASSESSMENT**

The United States of America ("United States"), by and through Daniel G. Bogden, United States Attorney for the District of Nevada, and Daniel D. Hollingsworth, Assistant United States Attorney, respectfully moves this Court, pursuant to Title 18, United States Code, Section 3572(d)(1), to authorize the Federal Bureau of Investigation ("FBI") (1) to seize \$807,496.06 in United States Currency for restitution and \$100 in United States Currency for the mandatory assessment from defendant's Charles Schwab One Trust account, in the name of Keith John Anderson TTEE KJA Trust, account number

...

...

1 [REDACTED]¹; (2) to require Charles Schwab (a) to print immediately the appropriate information that
 2 shows all the assets that are in Keith John Anderson's Charles Schwab One Trust account; (b) to liquidate
 3 the properties that are not cash into cash up to the amount of \$807,596.06; (c) to issue a cashier's check
 4 in the amount of \$807,596.06, made payable to "Clerk-US District Court"; and (d) to immediately turn
 5 over the cashier's check to the FBI; and (3) to deliver said check to the Clerk of the Court to apply
 6 towards restitution and the mandatory assessment owed by defendant Keith John Anderson
 7 ("Anderson").

8 The grounds for this motion are (1) Title 18, United States Code, Section 3572(d)(1) provides for
 9 the immediate payment of restitution and monetary penalties; (2) Anderson owes the restitution and
 10 monetary penalties; (3) Anderson agreed to make full restitution at his Change of Plea hearing; and (4)
 11 Anderson has agreed that the FBI will seize \$807,496.06 in United States Currency and \$100 in United
 12 States Currency from his Charles Schwab account to be applied towards the restitution to the victims and
 13 to pay his mandatory assessment. Plea Agreement, ECF No. 7. Change of Plea Minutes, ECF No. 10.

14 Entering an order authorizing the FBI to seize the \$807,496.06 in United States Currency and
 15 \$100 in United States Currency to apply towards restitution and the mandatory assessment owed by
 16 Anderson is a reasonable and available means to enforce the immediate payment of monetary penalties.
 17 Therefore, this Court should grant this motion.

18 . . .

19 . . .

20
 21 ¹ This motion has been submitted under seal to identify the defendant's specific financial account
 22 number. Fed. R. Crim. P. 49.1 protects social security numbers, taxpayer-identification numbers,
 23 birth dates, financial account numbers, and home addresses. The United States has
 24 contemporaneously submitted a redacted Motion in compliance with Fed. R. Crim. P. 49.1 to protect
 25 defendant's personal identifying information. Fed. R. Crim. P. 49.1(d) authorizes this Court to file
 26 the redacted Motion and Order for the public record. The Court must sign the redacted order. The
 Court retains the unredacted Motion and Order under seal as part of the record. Fed. R. Crim P.
 49.1(f). The sealed order must be signed, must be returned to the United States, and must be served
 on Charles Schwab to ensure it obeys the Order. By filing the redacted Motion and Order, the public
 will have some knowledge concerning the case, but the defendant's personal identifying information
 will be protected.

1 This motion is made and is based on the pleadings and papers on file herein, the attached
2 Memorandum of Points and Authorities, and the attached proposed order.

3 DATED this 10th day of December, 2013.

4 Respectfully submitted,

5 DANIEL G. BOGDEN
6 United States Attorney

7 /s/Daniel D. Hollingsworth
8 DANIEL D. HOLLINGSWORTH
9 Assistant United States Attorney
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

MEMORANDUM OF POINTS AND AUTHORITIES**I. STATEMENT OF CASE****A. Procedural History**

A One-Count Criminal Information was brought against Keith John Anderson (“Anderson”) on October 8, 2013, charging Anderson with Wire Fraud in violation of Title 18, United States Code, Section 1343; and alleged forfeiture pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c); and Title 21, United States Code, Section 853(p). A Bill of Particulars was filed on October 6, 2013, seeking a criminal forfeiture money judgment of \$807,496.06 in United States Currency, including \$282,305.45 in United States Currency. Criminal Information, ECF No. 5; Bill of Particulars, ECF No. 2.

On October 9, 2013, Anderson pled guilty to the One-Count Criminal Information (ECF No. 5). Anderson agreed to make full restitution in the amount of \$807,496.06. Plea Agreement, ECF No. 7; Change of Plea Minutes, ECF No. 10. On October 17, 2013, this Court entered a Preliminary Order of Forfeiture (ECF No. 12) against Anderson for a criminal forfeiture money judgment of \$807,496.06 in United States Currency, including \$282,305.45 in United States Currency previously seized from Anderson.

B. Statement of the Facts

Between on or about November 11, 2009, and on or about December 31, 2012, Anderson was employed as a claims adjuster, processor and file manager for North American Risk Services (“NARS”), a third party administrator for Clarendon America Insurance Company and Clarendon National Insurance Company (“Clarendon”). In that capacity, the defendant electronically processed and caused to be processed in interstate commerce billing invoices, including invoices submitted by document imaging companies for copying services requested by legal firms that performed work for Clarendon’s insured. *See* Criminal Information, ECF No. 5; Plea Agreement, ECF No. 7.

In execution of his scheme and artifice to defraud, the defendant incorporated several business entities under his and another person’s name and submitted the entities’ names and billing

1 invoices to NARS under the pretense that the companies would and did provide document imaging
2 services for law firms working for Clarendon's insured, when the defendant then knew that these
3 entities did not provide such services and knew that the entities' sole purpose was to serve as a
4 means for the defendant to create and submit fraudulent invoices. The entities the defendant created
5 and used in the fraudulent scheme included LVV Legal Services LLC, LVV Engineering, Wings
6 Legal Service, and Sunrise Legal Services. To receive payment the defendant opened bank accounts
7 associated with the business entities he created, and transferred money into and between the bank
8 accounts. *See* Criminal Information, ECF No. 5; Plea Agreement, ECF No. 7.

9 Within the past five months, Anderson has kept a balance of approximately \$2,202,497.64 in
10 United States Currency in his Charles Schwab One Trust Account, in the name of Keith John Anderson
11 TTEE KJA Trust, account number [REDACTED]. The United States is only interested in seizing
12 \$807,496.06 to be applied towards restitution and \$100 to be applied to the mandatory assessment owed
13 by Anderson. Anderson has sufficient financial resources and is able to pay all of the restitution and his
14 mandatory assessment immediately.

15 **II. ARGUMENT**

16 The \$807,596.06 in United States Currency that we are requesting the FBI be authorized to seize
17 should be applied to Anderson's restitution and mandatory assessment. Title 18, United States Code,
18 Section 3572 "is the general guide for determining the payment terms of restitution obligations." *United*
19 *States v. Martin*, 278 F.3d 988, 1006 (9th Cir. 2002). "Immediate repayment is the general rule: A
20 person sentenced to pay a fine or other monetary penalty, including restitution, shall make such payment
21 immediately, unless, in the interest of justice, the court provides for payment on a date certain or in
22 installments." *Id.* (citation and quotation mark omitted) (quoting 18 U.S.C. § 3572(d)). Anderson has
23 sufficient properties to pay all of the restitution and other monetary penalties immediately. He has also
24 agreed to the immediate payment.

25 This Court will not abuse its discretion or err by ordering the restitution and other monetary
26 penalties paid immediately. *Martin*, 278 F.3d at 1006. This Court has sufficient evidence before it to

1 determine that Anderson has sufficient financial resources to order immediate payment of restitution and
2 other monetary penalties. *Id.*

3 On December 9, 2013, Donald J. Green, counsel for Keith John Anderson, agreed to this
4 Unopposed Motion and authorized the United States to file it and seize the \$807,596.06 in United States
5 Currency from defendant's Charles Schwab One Trust account, in the name of Keith John Anderson
6 TTEE KJA Trust, account number [REDACTED], to be applied towards restitution and the mandatory
7 assessment owed by Anderson.

8 **III. CONCLUSION**

9 Based on the foregoing, the Court should authorize the FBI (1) to seize \$807,496.06 in United
10 States Currency for restitution and \$100 in United States Currency for the mandatory assessment from
11 defendant's Charles Schwab One Trust account, in the name of Keith John Anderson TTEE KJA Trust,
12 account number [REDACTED]; (2) to require Charles Schwab (a) to print immediately the appropriate
13 information that shows all the assets that are in Keith John Anderson's Charles Schwab One Trust
14 account; (b) to liquidate the properties that are not cash into cash up to the amount of \$807,596.06; (c) to
15 issue a cashier's check in the amount of \$807,596.06, made payable to "Clerk-US District Court"; and (d)
16 to immediately turn over the cashier's check to the FBI; and (3) to deliver said check to the Clerk of the
17 Court to apply towards restitution and the mandatory assessment owed by Anderson.

18 DATED this 10th day of December, 2013.

19 Respectfully submitted,

20 DANIEL G. BOGDEN
21 United States Attorney

22 /s/Daniel D. Hollingsworth
23 DANIEL D. HOLLINGSWORTH
24 Assistant United States Attorney
25
26

PROOF OF SERVICE

I, Michelle C. Lewis, Paralegal Specialist, certify that the following individuals were served with copies of the **UNITED STATES OF AMERICA'S REDACTED UNOPPOSED MOTION TO SEIZE \$807,496.06 IN UNITED STATES CURRENCY FOR RESTITUTION AND \$100 IN UNITED STATES CURRENCY FOR THE MANDATORY ASSESSMENT** on December 10, 2013, by the below identified method of service:

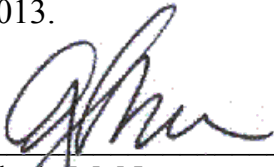
CM/ECF:

Donald J. Green
Law Offices of Donald J. Green
4760 South Pecos Rd., Ste. 103
Las Vegas, NV 89121
Email: crimelv7777@aol.com
Attorney for Keith John Anderson

/s/Michelle C. Lewis
MICHELLE C. LEWIS
Paralegal Specialist

1 not cash into cash up to the amount of \$807,596.06; (c) to issue a cashier's check in the amount of
2 \$807,596.06, made payable to "Clerk-US District Court"; and (d) to immediately turn over the cashier's
3 check to the FBI; and (3) deliver said check to the Clerk of the Court to apply towards restitution and the
4 mandatory assessment owed by defendant Keith John Anderson.

5 **DATED** this 23rd day of December, 2013.

6
7 
8 _____
9 Gloria M. Navarro
10 United States District Judge
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26